

# Item IX

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## Memorandum

**To:** Policy and Advocacy Committee  
**From:** Christy Berger  
Legislation Analyst  
**Date:** April 19, 2006  
**Telephone:** (916) 574-7847  
**Subject:** Review and Possible Action Regarding Amendments to Sections 1833.1 and 1870 Regarding Supervisor Qualifications

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### Background

At its February 2003 meeting, the Board approved a proposal to amend Title 16, sections 1833.1 and 1870 to modify the requirements for supervisors. However, the rulemaking process was never initiated for these changes. At its January 2006 meeting, the Committee discussed the language proposed in 2003 and the recent revisions to the proposed language.

The 2003 draft eliminated a requirement that supervisors of interns or trainees have a minimum of five hours of patient/client contact per week. There is no parallel requirement for supervisors of associate clinical social workers. The 2006 draft restored this provision for supervisors of interns and imposed the same contact requirement for supervision of associates. The Committee members and audience members at the January 2006 meeting preferred the 2003 version of the proposed regulations. However, the Committee declined to take action on the proposed language until receiving and reviewing the results of the supervision survey.

### Recommendation

Staff has updated the proposed changes which:

- Reflect the 2003 version
- Reflect changes in the sections since 2003
- Make minor modifications to increase clarity

At this point, staff suggests that the Committee recommend to the board the modifications to the 2003 draft for consideration at the May 2006 board meeting.

### Attachments:

- Proposed Language Section 1833.1
- Proposed Language Section 1870

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## **BOARD OF BEHAVIORAL SCIENCES**

### **Proposed Language**

Amend Section 1833.1 of Division 18 of Title 16 as follows:

#### **1833.1. REQUIREMENTS FOR SUPERVISORS**

~~(a) Any person supervising a trainee or an intern or trainee (hereinafter "supervisor") within California shall comply with the requirements set forth below and shall, prior to the commencement of such supervision, sign under penalty of perjury the "Responsibility Statement for Supervisors of a Marriage and Family Therapist Trainee or Intern" revised 2-05 requiring that: below.~~

(a) Prior to the commencement of supervision, the supervisor shall sign under penalty of perjury the "Responsibility Statement for Supervisors of a Marriage and Family Therapist Trainee or Intern" revised 12-05 requiring that:

(1) The supervisor possess and maintains a current valid California license as either a marriage and family therapist, licensed clinical social worker, licensed psychologist, or physician who is certified in psychiatry as specified in Section ~~4980.40 (f)~~ 4980.03 (g) of the Code and has been so licensed in California for at least two years prior to commencing any supervision; or

(A) Provides supervision only to trainees at an academic institution that offers a qualifying degree program as specified in Section 4980.40 (a) of the Code; and

(B) Has been licensed in California as specified in Section ~~4980.40 (f)~~ 4980.03 (g) of the Code, and in any other state, for a total of at least two years prior to commencing any supervision.

~~(2) If such supervisor is~~ A supervisor who is not licensed as a marriage and family therapist, ~~he or she~~ shall have sufficient experience, training, and education in marriage and family therapy to competently practice marriage and family therapy in California.

(3) The supervisor keeps himself or herself informed of developments in marriage and family therapy and in California law governing the practice of marriage and family therapy.

(4) The supervisor has and maintains a current license in good standing and will immediately notify the trainee or intern or trainee of any disciplinary action, including revocation or suspension, even if stayed, probation terms, inactive license status, or any lapse in licensure, that affects the supervisor's ability or right to supervise.

(5) The supervisor has practiced psychotherapy or provided direct supervision of trainees, interns, or associate clinical social workers who perform psychotherapy for at least two (2) years within the five (5) year period immediately preceding any supervision ~~and has averaged at least five (5) patient/client contact hours per week.~~

(6) The supervisor has had sufficient experience, training, and education in the area of clinical supervision to competently supervise trainees or interns.

(A) ~~Effective January 1, 2000, supervisors~~ Supervisors who are licensed by the board shall complete a minimum of six (6) hours of supervision training or coursework every two (2) years. This training or coursework may apply towards the continuing education requirements set forth in Sections 4980.54 and 4996.22 of the Code.

~~(B) Supervisors who are licensed by the board who have completed a minimum of six (6) hours of supervision training or coursework between January 1, 1997, and December 31, 1999, may apply that training towards the requirement described in subsection (A).~~

~~(C)~~ (B) Supervisors who are licensed by the board who ~~commence supervision on and after January 1, 2000, and~~ have not met requirements of ~~subsection~~ paragraph (A), shall complete a minimum of six (6) hours of supervision training or coursework within sixty (60) days of commencement of supervision.

(7) The supervisor knows and understands the laws and regulations pertaining to both the supervision of trainees and interns and the experience required for licensure as a marriage and family therapist.

(8) The supervisor shall ensure that the extent, kind, and quality of counseling performed is consistent with the education, training, and experience of the trainee or intern or trainee.

(9) The supervisor shall monitor and evaluate the extent, kind, and quality of counseling performed by the trainee or intern or trainee by direct observation, review of audio or video tapes of therapy, review of progress and process notes and other treatment records, or by any other means deemed appropriate by the supervisor.

(10) The supervisor shall address with the trainee or intern or trainee the manner in which emergencies will be handled.

(b) Each supervisor shall provide the trainee or intern or trainee with the original signed "Responsibility Statement for Supervisors of a Marriage and Family Therapist Intern or Trainee" revised 12-05 prior to the commencement of any counseling or supervision. ~~The intern shall provide the board with his or her signed "Responsibility Statement for Supervisors of a Marriage and Family Therapist Intern or Trainee" revised 12-05 from each supervisor upon application for licensure. The trainee shall provide the board with his or her signed "Responsibility Statement for Supervisors of a Marriage and Family Therapist Intern or Trainee" revised 12-05 from each supervisor upon application for internship.~~

(1) Trainees shall provide the board with the signed "Responsibility Statement for Supervisors of a Marriage and Family Therapist Intern or Trainee" revised 12-05 from each supervisor upon application for internship.

(2) Interns shall provide the board with the signed "Responsibility Statement for Supervisors of a Marriage and Family Therapist Intern or Trainee" revised 12-05 from each supervisor upon application for licensure.

(c) A supervisor shall give at least one (1) week's written notice to ~~an~~ a trainee or intern or trainee of the supervisor's intent not to certify any further hours of experience for such

person. A supervisor who has not provided such notice shall sign for hours of experience obtained in good faith where such supervisor actually provided the required supervision.

(d) The supervisor shall obtain from ~~any~~ each trainee or intern ~~or trainee~~ for ~~which~~ whom supervision will be provided, the name, address, and telephone number of the trainee's or intern's ~~or trainee's~~ most recent supervisor and employer.

(e) In any setting that is not a private practice, a supervisor shall evaluate the site(s) where ~~an~~ a trainee or intern ~~or trainee~~ will be gaining hours of experience toward licensure and shall determine that: (1) the site(s) provides experience which is within the scope of marriage and family therapy; and (2) the experience is in compliance with the requirements set forth in this section.

(f) Upon written request of the board, the supervisor shall provide to the board any documentation which verifies the supervisor's compliance with the requirements set forth in this section.

~~(g) The supervisor responsibility statement required by this section shall be used for supervisorial relationships commencing on or after 1-1-98.~~

~~(h)~~ (g) The board shall not deny hours of experience gained towards licensure by any supervisee due to failure of his or her supervisor to complete the training or coursework requirements in ~~subsection (a) (6)~~ subparagraph (a)(6)(A).

NOTE: Authority cited: Section 4980.35, 4980.40(f) and 4980.60, Business and Professions Code. Reference: Sections 4980.35, 4980.40(f), 4980.42 through 4980.45, 4980.54 and 4996.22, Business and Professions Code.

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## **BOARD OF BEHAVIORAL SCIENCES**

### **Proposed Language**

Amend Section 1870 of Division 18 of Title 16 as follows:

#### **1870. REQUIREMENTS FOR ASSOCIATE CLINICAL SOCIAL WORKER SUPERVISORS**

~~(a) Any person supervising an associate clinical social worker registered with the board on and after May 10, 1999, (hereinafter called "supervisor") within California shall comply with the requirements set forth below and shall, prior to the commencement of such supervision, sign under penalty of perjury the "Responsibility Statement for Supervisors of an Associate Clinical Social Worker" (revised 07/05), which requires that: below.~~

(a) Prior to the commencement of supervision, the supervisor shall sign under penalty of perjury the "Responsibility Statement for Supervisors of an Associate Clinical Social Worker" (revised 12/05), which requires that:

(1) The supervisor possesses and will maintain a current valid California license as ~~either~~ a licensed clinical social worker or a licensed mental health professional acceptable to the Board as specified in ~~Section 4996.21(a) of the Code and Section 1874 of California Code of Regulations.~~

(2) The supervisor has and will maintain a current license in good standing and will immediately notify the associate of any disciplinary action, including revocation, suspension (even if stayed), probation terms, inactive license, or any lapse in licensure, that affects the supervisor's ability or right to supervise.

(3) The supervisor has practiced psychotherapy or provided direct supervision of associates, or marriage and family therapist interns or trainees who perform psychotherapy ~~as part of his/her clinical experience~~ for at least two (2) years within the last five (5) years immediately preceding supervision.

(4) The supervisor has had sufficient experience, training and education in the area of clinical supervision to competently supervise associates. ~~Effective January 1, 2001, supervisors who are licensed by the board shall have:~~

(A) Effective January 1, 2001, supervisors who are licensed by the board shall have A-a minimum of fifteen (15) contact hours in supervision training obtained from a state agency or approved continuing education provider. This training may apply towards the approved continuing education requirements set forth in Sections 4980.54 and 4996.22 of the Code. The content of such training shall include, but not be limited to:

~~1. familiarity~~ (i) Familiarity with supervision literature through reading assignments specified by course instructors;

~~2. facilitation~~ (ii) Facilitation of therapist-client and supervisor-therapist relationships;

~~3. evaluation~~ (iii) Evaluation and identification of problems in therapist-client and supervisor-therapist relationships;

~~4. structuring~~ (iv) Structuring to maximize supervision, including times and conditions of supervision sessions, problem solving ability, and implementing supervisor interventions within a range of supervisory modalities including live, videotape, audiotape, and case report methods;

~~5. knowledge~~ (v) Knowledge of contextual variables such as culture, gender, ethnicity, and economic issues; and

~~6. the~~ (vi) The practice of clinical social work, including the mandated reporting laws, and knowledge of ethical and legal issues.

(5) The supervisor knows and understands the laws and regulations pertaining to both supervision of associates and the experience required for licensure as a clinical social worker.

~~(6) The supervisor shall ensure that the extent, kind and quality of clinical social work performed is consistent with the training and experience of the person being supervised and shall review client/patient records, monitor and evaluate assessment and treatment decisions of the associate clinical social worker, and monitor and evaluate the ability of the associate to provide services at the site(s) where he or she will be practicing and to the particular clientele being served, and ensure compliance with all laws and regulations governing the practice of clinical social work.~~

(6) The supervisor shall do all of the following:

(A) Ensure that the extent, kind and quality of clinical social work performed by the associate is consistent with the training and experience of the person being supervised.

(B) Review client/patient records and monitor and evaluate assessment and treatment decisions of the associate clinical social worker.

(C) Monitor and evaluate the ability of the associate to provide services at the site(s) where he or she will be practicing and to the particular clientele being served.

(D) Ensure compliance with all laws and regulations governing the practice of clinical social work.

~~(7) Effective January 1, 1999, the~~ The supervisor and the associate shall develop the "Supervisory Plan" as described in Section 1870.1 ~~of the California Code of Regulations.~~ This The associate shall submit the original signed plan for each supervisor shall be submitted to the board upon application for licensure.

(8) The supervisor shall provide the ~~board~~ associate with the original, signed "Responsibility Statement for Supervisors of an Associate Clinical Social Worker" (revised 12-05), ~~within 30 days of prior to commencement of any supervision. A copy of this form shall be provided to the associate by the supervisor. The associate shall provide the board with the original signed form for each supervisor upon application for licensure.~~

(9) A supervisor shall give at least one (1) week's written notice to an associate of the supervisor's intent not to certify any further hours of experience for such person. A

supervisor who has not provided such notice shall sign for hours of experience obtained in good faith where such supervisor actually provided the required supervision.

(10) ~~Effective January 1, 1999, the~~ The supervisor shall complete an assessment of the ongoing strengths and limitations of the associate. The assessments shall be completed at least once a year and at the completion or termination of supervision. A copy of all assessments shall be provided to the associate by the supervisor.

(11) Upon written request of the board, the supervisor shall provide to the board any documentation which verifies the supervisor's compliance with the requirements set forth in this section.

(b) The board shall not deny hours of experience gained toward licensure by any associate due to the failure of his or her supervisor to complete the training requirements specified in subparagraph (a)(4)(A).

Note: Authority cited: Section 4990.14, Business and Professions Code. Reference: ~~Section~~ Sections 4980.54, 4996.21, 4996.22, and 4996.23, Business and Professions Code.

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Item X

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**State of California  
Board of Behavioral Sciences**

**Memorandum**

**To: Policy and Advocacy Committee**

**Date: April 11, 2006**

**From: Paul Riches  
Executive Officer**

**Telephone: (916) 574-7840**

**Subject: Title Protection Concept for Dual Diagnosis Training**

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Background

In late 2005, the Department of Alcohol and Drug Programs (DADP) contacted the board regarding drug abuse counseling. Peter Manoleas and I had several meetings with Kathy Jett, Director of DADP. The initial discussions were exploratory regarding new drug counselor certification regulations adopted by DADP and drug abuse competency among the board's licensees.

These discussions identified the divide between mental health treatment and drug abuse treatment among practitioners in both areas. This divide is troubling given the frequency with which drug abuse and mental illness are present in the same individual. Therefore, we focused the discussion on what could be done to bridge this divide. All parties to the discussions recognized that any proposal developed in these discussions would be an initial concept that would require development with participation from stakeholders before moving forward. The proposal outlined below is the result of that work.

Title Protection

The proposal creates a protected title for certified drug abuse counselors, marriage and family therapists, and licensed clinical social workers who complete unspecified additional didactic and experiential training. This training is entirely optional. The concept only creates a protected title and there would be no professional regulation based on the use of the title. Each set of practitioners would be accountable to the entities providing existing licensing or certification.

It is envisioned that the requirements would be different for drug abuse counselors and the board's licensees. The requirements for drug abuse counselors would focus on providing knowledge and skills in recognizing/distinguishing signs of possible mental illness and how to make effective referrals for those patients. Likewise, the training for board licensees would focus on recognizing/distinguishing signs of drug addiction and how to make effective referrals for those patients.

The requirements are unspecified at this time. There will need to be substantial work done to flesh out what would be appropriate requirements for use of the title. It is hoped that establishing a protected title would provide inducement for practitioners to do the additional work required by created a recognized, substantial professional credential.

Moving Forward

At this juncture, staff would like to have board approval of the general concept and support to move forward and work with interested parties to develop a more complete proposal. If

agreement can be found, any proposal would require legislative approval. The discussions with Director Jett targeted the 2007 legislative session.

Attachment

Concept Draft for Title Protection

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**Add Chapter 10.5 to the Business and Professions Code, to read:**

## **Chapter 10.5**

### **Certified Addiction Specialist**

**4560.** No person may represent himself or herself as a Certified Addiction Specialist unless they meet one of the following sets of qualifications:

- (a)(1) A current certification by an organization authorized by the Department of Alcohol and Drug Programs to certify Alcohol or Other Drug Counselors.
- (2) Completed X hours of didactic instruction in the following:
  - (A)
  - (B)
  - (C)
- (3) Completed X hours of experiential learning in the following:
  - (A)
  - (B)
  - (C)

(b)(1) A current license as a marriage and family therapist, licensed clinical social worker or psychologist.

- (2) Completed X hours of didactic instruction in the following:
  - (A)
  - (B)
  - (C)

Courses completed as part of the curriculum for a degree qualifying the individual for licensure as a marriage and family therapist, licensed clinical social worker or psychologist may be used to satisfy this requirement.

- (3) Completed X hours of experiential learning in the following:
  - (A)
  - (B)
  - (C)

Experience gained as part of the curriculum for a degree qualifying the individual for licensure as a marriage and family therapist, licensed clinical social worker or psychologist or experience gained to satisfy the requirements for licensure may be used to satisfy this requirement.

(c)(1) A current license as a marriage and family therapist, licensed clinical social worker.

- (2) A current certification by an organization authorized by the Department of Alcohol and Drug Programs to certify Alcohol or Other Drug Counselors.

**4570.** (a) Any person not meeting the requirements of Section 4600 that uses, in connection with his or her name or place of business, the words " Certified Addiction Specialist" or the letters "CAS" or any other words, letters, abbreviations, or insignia indicating or implying that the person is a certified addiction specialist or to represent, in any way, orally, in writing, in print or by sign, directly or by implication, that he or she is a

certified addiction specialist is subject to enforcement action by either the Board of Behavioral Sciences or the Department of Alcohol and Drug Programs.

(b) The Board of Behavioral Sciences may issue a cease and desist letter to any person who violates Section 4600. The Board of Behavioral Sciences may issue a citation containing an order of abatement and a fine to any person who fails to comply with a cease and desist letter within 30 days. Citations issued under this section shall comply with the requirements Sections 125.9 and 148 of the Business and Professions Code.

(c) A violation of Section 4600 by a person holding a license or registration issued by the Board of Behavioral Sciences shall be considered unprofessional conduct.